

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER MILLER,

Petitioner,

v.

KENNETH QUINN,

Respondent.

Case No. C06-5694RJB


ORDER ADOPTING REPORT
AND RECOMMENDATION
AND DISMISSING PETITION
FOR WRIT OF HABEAS
CORPUS

The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Kelley Arnold, United States Magistrate Judge, objections to the Report and Recommendation (Dkt. 17), and the remaining record, does hereby find and Order:

- (1) The Report and Recommendation concludes that petitioner's habeas claims are unexhausted and procedurally barred. A review of the record supports the conclusions of the magistrate judge. Petitioner's objections are without merit. The relevant authority he cites does not support his position; instead, that authority supports the conclusions of the Report and Recommendation. *See Baldwin v. Reese*, 541 U.S. 27 (2004); *Peterson v. Lampert*, 319 F.3d 1153 (9th Cir. 2003).
- (2) The Report and Recommendation (Dkt. 16) is **ADOPTED**;
- (3) The petition for writ of habeas corpus is **DISMISSED** as unexhausted and procedurally barred;
- (4) Petitioner's pending motions are moot and/or inappropriate and therefore **DENIED**; and

1 (5) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent,
2 and to the Hon. J. Kelley Arnold.

3 DATED this 18th day of May, 2007.

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5 Robert J. Bryan
6 United States District Judge
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